

**REGULAR MEETING
TRIBAL FORESTRY COMMITTEE
July 29, 2008 – 3:30 P.M.
TRIBAL OFFICE BOARDROOM**

1. Chairman Kenneth A. Fish called the meeting to order at 3:30 P.M. Roll call was taken with a quorum present. MEMBERS PRESENT: Kenneth A. Fish, Legislator Myrna Warrington (late), Tony Waupochick, Al Pyatskowit (late), Walter Cox, Dave Grignon, Jeremy Pyatskowit, Barbara Caldwell and Susan Waukau. MEMBERS ABSENT: None. Also present: Sid Dodge, Edwin Wilber, Audrey O'Kimosh, Ed Waubanascum, John Tucker, Jacqui Pubanz, Jean Cox, Rebecca Alegria and Linda Peters, recorder.

2. Moment of Silence. A moment of silence was observed.

Motion made By Susan Waukau to suspend the agenda to hear items # 7-Update Proposed Amendments to Tribal Ordinance 05-22, #5-Discuss MTE- FY 08-09 Forestry and Fire Budget, and #6- BIA Annual Determination: Trust and Management Agreement-Discussion. Second was by Dave Grignon. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 0 abstentions and 2 absent (Warrington and A. Pyatskowit).

7. Update Proposed Amendments to Tribal Ordinance 05-22

Chris Caldwell presented the current ordinance, the marked copy and the clean copy to the committee for recommendation to the Legislature for approval. The committee discussed the protection of the archaeological sites and buffer zones for the different areas.

(M. Warrington entered the meeting at 3:41 p.m.).

The prescription resolution process and how it correlates with the proposed amendment to the ordinance was discussed. The timelines were also questioned if they are realistic so that the Tribe will not miss any deadlines or request extensions.

(Al Pyatskowit entered the meeting at 3:47 p.m.).

There is a committee that is working on replacing the FMP (Forest Management Plan) so that our forests are protected. Ordinance 05-22 was approved to protect our forests until the FMP can be approved. MTE Forestry, Historic Preservation, Environmental Services, Fire Protection are some of the departments that are working to update the FMP and make it a viable working document. The FMP was granted a five-year extension from the BIA and this extension ends December 31, 2010.

There was discussion that the Tribe should not eliminate the ecologist position as this position is vital to the FMP and to the protection of the forest.

What is done with the fallen trees that are in the river? The forest cleans itself and creates habitats for the wildlife and habitats for the fish and is a normal process.

Motion made by Anthony Waupochick to recommend to the Legislature to approve 1st Consideration to Amendment to Ordinance 05-22 as presented. Second was by Barbara Caldwell. All those in favor of the motion signify by saying aye. Motion carried: 8 for, 0 opposed, 0 abstentions and 0 absent.

6. BIA Annual Determination: Trust and Management Agreement - Discussion

Kenneth A. Fish went over the Trust Management Agreement and that the Tribe is to conduct an Annual Determination and this has not happened. The Legislature has never signed the FMP and this document has been in operation since 1996. The last paragraph of the Trust and Management Agreement states, "and the implementation of this plan, the BOD and the Menominee Restoration Committee shall work together and cooperate in order to promote the best interests of the Tribe. At the earliest practicable date, the board of directors and the Menominee Restoration Committee shall adopt policy statements which will state in reasonable detail the manner in which each body intends to comply with the requirements of this section" The dissolution of the MTE Forest Ecologist is not of the person that was hired for the job but the position itself.

The MTL passed a motion for MTE to develop an invasive species plan. With the elimination of the forest ecologist position, who will be developing that plan? The forest ecologist position was paid for 100 percent on federal dollars. MTE stated that they need to cut monies and cut positions but MTE did not properly evaluate the impact that this position has on our trust resources.

David Grignon stated that he will not sign any prescription unless a forest ecologist has signed off. What is the reasoning behind releasing this position? Was this to save money? Chris Caldwell tried to sit in on the budget discussions and this item was held in Executive Session. Mr. Caldwell has some funds that his program could have used until different funding sources could be located. Before he could determine if he needed to use the funds, he needed to see the termination of this position. The job position is cut as of next week. There are still questions on how the contractual obligations will be met and prove that the requirements are being met.

The next sets of prescriptions are due for approval at the September, 2008 meeting. If the Historic Preservation Officer will not sign off the prescriptions, how is this going to affect us? If the prescriptions and procedures are not followed, we could be in violation of federal law and no one will be able to work.

Who is in charge of monitoring the spraying of the forests if the forest ecologist no longer exists? This is a question that needs to be answered by MTE. MTE will need to confirm that they are meeting the contractual obligations and the spraying and protection of our forests is an obligation.

MTE cut 6 positions 2 years ago and MTE did come to the Tribe requesting assistance to meet their contractual obligations. It was noted that the history is there and before it repeats itself, that the prior records be reviewed.

Motion made by David Grignon to recommend to the Legislature to treat this position as a trust issue and not a personnel interest and to take this up at the next meeting. Second was by Jeremy Pyatskowit. All those in favor of the motion signify by saying aye. Motion carried: 7 for, 0 opposed, 1 abstention (Cox-the current position is held by his brother) and 0 absent.

(Due to another meeting that had been scheduled, the committee recessed until a later date).

Motion made by Al Pyatskowit to recess this meeting until a later date. Second was by Anthony Waupochick. All those in favor of the motion signify by saying aye. Motion carried: 8 for, 0 opposed, 0 abstentions and 0 absent.

The meeting is in recess and the recording clerk will coordinate everyone's schedule to complete this recessed meeting.

Meeting recessed at 4:42 p.m.

Respectfully submitted by,

Linda Peters, Recorder
Chairman's Staff